

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 12017 of 1996

Between:

M. Yesubo S/o Swamiyelu
R/o Donepudi (V), Tenali Tq.,
Guntur Dist. **PETITIONER**

AND

- 1 The District Collector, Guntur
- 2 Mandal Revenue Officer, Kolluru Mandal
- 3 Revenue Divisional Officer,

Tenali, Guntur Dist.**RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or orders more especially one in the nature of writ of Mandamus declaring the action of the respondents in not giving possession of the plots granted under land acquisition proceedings initiated by the government allotted to the beneficiaries of backward classes which includes the petitioner herein in D.No.360, 519, 511 & 512 of an extent of Ac.12.07 cents is illegal arbitrary and un-constitutional and consequently direct the respondents herein to grant the pattas, deliver the possession to the eligible candidates out of 186 pattas granted in the land acquisition procs. dt: 26-7-1976 by D.R.I. (Land Acquisition) Repalle immediately by removing the obstructions in the plots arising to the eligible backward classes.

Counsel for the Petitioner: MRS.S.NANDA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

Petitioner filed this writ petition seeking a writ of mandamus declaring the action of the respondents in not giving possession of the plot, for which patta was issued to him after acquisition of land bearing S.Nos.360/A/1, 509/B, 511/1, 512/8 and 512/1-B admeasuring Ac.12-07 cents situated in Donepudi Village, Tenali Taluk, Guntur District, as illegal, arbitrary and unconstitutional.

In the affidavit filed in support of this writ petition, it is stated that a survey was conducted to list out the beneficiaries for allotment of pattas for house sites. Petitioner claims that he is one of the allottees of the pattas out of the beneficiary list of 186. Precisely it is his case that though pattas were issued way back in the year 1976, but the physical possession of the allotted site was not handed over to the petitioner and a few others who were enlisted in the list of beneficiaries.

In the counter-affidavit filed on behalf of the respondents, it is stated that an extent of Ac.11-50 cents in S.Nos. 360/A1, 2A, B, 509/1, 2, 511/1 to 6 and 512/1, 2, 4, 6A of Donepudi village was acquired for providing house sites to the weaker sections and the house sites pattas were also issued by the then Tahsildar, Tenali. While admitting the issuance of pattas to the petitioner and other similarly placed persons, respondents stated that in view of the encroachments in the land notified for the house sites, the second respondent has requested the third respondent to issue orders for revising the layout as per the state of things on ground, and as such, the matter is under consideration to solve the problem.

It is to be seen that the respondents themselves have admitted in their counter-affidavit that the petitioner and other similarly placed persons were granted pattas and they are among the list of beneficiaries. Therefore, it would suffice if the respondents are directed to complete the steps of revision of lay out and handover the possession of the house site, if not already handed over, to the petitioner as per the patta granted to him, within a period of two months from the date of receipt of a copy of this order.

With the observation as above, the Writ Petition is disposed of. There shall be no order as to costs.

16-02-2005

Note:

Furnish CC

within one week.

B/o

LUR

Copy to:

- 1 The District Collector, Guntur
- 2 The Mandal Revenue Officer, Kolluru Mandal
- 3 The Revenue Divisional Officer, Tenali, Guntur Dist

4 Two CCS to the GP for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad.

5 Two CD copies

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